

**Timothy Carl Aires**

**From:** "Timothy Carl Aires" <tca@arlawyers.com>  
**To:** <anne-leith@matlocklawgroup.com>  
**Cc:** "Griswold Victoria" <vgriswold@matlocklawgroup.com>; "Zucker Laura" <lauraz@matlocklawgroup.com>; "MLG" <matlocklawgroup@sbcglobal.net>; "Chase Hayford" <chayford@arlawyers.com>; "Bethune, Gary" <gbethune@bethunelaw.com>; "Santangelo, Michael" <msantangelo@bethunelaw.com>  
**Sent:** Monday, February 25, 2008 11:44 AM  
**Subject:** ATT v. Dataway

Dear Ms. Matlock -

Thank you for your e-mail. Your attempt to meet and confer with a non-lawyer in my employ obviously does not satisfy the requirements of F.R.C.P., Rule 37(a). [Robinson v. Potter (8th Cir. 2006) 453 F.3d 990, 995 (Motion to compel properly denied where moving party did not show lawyer had attempted to confer in good faith to resolve discovery dispute before filing motion.); Soto v. City of Concord (ND CA 1995) 162 F.R.D. 603, 623 (Moving party must attempt to have a real exchange of ideas and opinions.); Tri-Star Pictures, Inc. v. Unger (SD NY 1997) 171 F.R.D. 94, 99 (Movant must detail efforts to confer and explain why they proved useless.); Hoelzel v. First Select Corp. (D CO 2003) 214 F.R.D. 634, 636 (Single e-mail message not a meaningful meet and confer.).]

I have properly interposed objections which I believe are meritorious. The burden now rests with you to demonstrate an absence of merit to the objections and then independently to demonstrate good cause for the production of the items sought by a showing that actual and substantial prejudice will flow from the denial of discovery. [In re Sulfuric Acid Antitrust Litig. (ND IL 2005) 231 F.R.D. 331, 333; see Packman v. Chicago Tribune Co. (7th Cir. 2001) 267 F.3d 628, 647.] You need to address such factors as timeliness, good cause, utility and materiality. [CSC Holdings, Inc. v. Redisi (7th Cir. 2002) 309 F.3d 988, 992.] Further, given that a party need not provide discovery of electronically-stored information "from sources that the party identifies as not reasonably accessible because of undue burden or cost" [FRCP Rule 26(b)(2)(B)], you will need to address the issues of undue burden and cost in light of the overbreadth of your requests.

Once you have provided me with your written analysis as to each production request, I will respond accordingly.

- Timothy Carl Aires

----- Original Message -----

**From:** Anne-Leith Matlock  
**To:** Chase Hayford  
**Cc:** 'Timothy Carl Aires'; Griswold Victoria; Zucker Laura; MLG  
**Sent:** Thursday, February 21, 2008 9:45 AM  
**Subject:** RE: ATT vs. Dataway

Chase,

To more completely summarize our conversation. Tim is going to call me on Monday when he returns to the office to discuss the completely non-responsive RPD you sent.

-----Original Message-----

**From:** Chase Hayford <chayford@arlawyers.com>  
**Sent:** Wednesday, February 20, 2008 1:13pm  
**To:** anne-leith@matlocklawgroup.com  
**Cc:** 'Timothy Carl Aires' <tca@arlawyers.com>  
**Subject:** ATT vs. Dataway

Just to summarize our conversation, Tim will be back in town on Monday, February 25th, 2009. He will be happy to speak with you then if you wish to meet and confer regarding your client's Inspection Demands.

Regards,

EXHIBIT B

4/29/2008

**Chase Hayford**  
**Aires Law Firm**  
180 Newport Center Drive, Suite 260  
Newport Beach, CA 92660  
949/ 718-2020  
949/ 718-2021 (fax)

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4/29/2008